

REMARKS

Claims 9 – 11, 14, 15, 17, 26 – 28, 30, 31, 33, 39, and 43 are pending in the Application. In the above-identified Office Action, the Examiner allowed Claims 9 – 11, 14, 15, 17, 26 – 28, 30, 31 and 33. Claims 39 and 43 were rejected. Claim 39 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sakakibara ('517) in view of Kumar *et al.* ('761). Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ng *et al.* ('383) in view of Sakakibara ('560) and, evidently, in view of Tajima *et al.* as well.

By this Amendment, Claim 38 has been canceled.

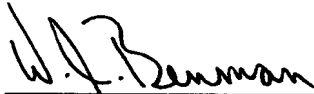
Regarding Claim 43, the Examiner suggests that Sakakibara teaches the step of minimizing the discharging current when the temperature is higher than a first predetermined threshold. However, no such teaching is found in the reference in the passages noted by the Examiner or elsewhere.

Evidently, this shortcoming of Sakakibara is tacitly acknowledged by the Examiner inasmuch as the Examiner appears to rely on Tajima ('243) for this teaching. However, on June 28, 2006, Applicants filed an Affidavit under Rule 1.131 (copy enclosed) which established a date of invention prior to the effective date of Tajima.

Accordingly, Claim 43 should be allowable.

Reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,
D. Wolin, *et al.*

By 
William J. Benman
Attorney for Applicants
Registration No. 29,014

WJB/ns

Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

310-553-2400
310-553-2675 (fax)